

NLWJC - Kagan

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Welfare-Legal Alien Provisions [1]



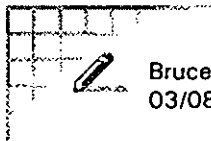
Cynthia A. Rice

03/11/99 08:15:54 PM

Record Type: Record


To: Bruce N. Reed/OPD/EOP
cc: Elena Kagan/OPD/EOP, Laura Emmett/WHO/EOP, J. Eric Gould/OPD/EOP, Andrea Kane/OPD/EOP
bcc:
Subject: Re: Your Q about most legal imm being eligible in 1997 

HHS checked the State plans, it is still every State except Alabama for TANF.
Bruce N. Reed



Bruce N. Reed
03/08/99 12:15:17 PM

Record Type: Record

To: Cynthia A. Rice/OPD/EOP
cc:
Subject: Re: Your Q about most legal imm being eligible in 1997 

OK, I understand -- TANF was a state option. Do we know how many states still provide TANF for pre-96 immigs?

President Clinton and Vice President Gore: A Record of Restoring Benefits to Legal Immigrants

Upon signing the 1996 welfare law, President Clinton vowed to reverse some of the unnecessary cuts in benefits to legal immigrants. The President and Vice President fought for three laws continuing or restoring SSI, Medicaid, and Food Stamps to certain groups of legal immigrants. The Balanced Budget Act (BBA) "grandfathered" eligibility for SSI and Medicaid for legal immigrants, while the Agricultural Research Act addressed eligibility for Food Stamps. In addition, legislation making technical corrections to benefits for legal immigrants restored SSI and Medicaid eligibility of certain recipients not covered under the BBA.

Balanced Budget Act of 1997 Restored Disability and Health Benefits

The BBA restored SSI and Medicaid eligibility to some legal immigrants. CBO estimated the cost of these provisions at \$11.5 billion over five years (\$9.5 billion for SSI, \$2 billion for Medicaid). Briefly, the BBA:

- Continued SSI and related Medicaid for legal immigrants receiving benefits on August 22, 1996;
- Allowed SSI and Medicaid benefits for legal immigrants who were here on August 22, 1996 and who later become disabled;
- Extended the exemption from SSI and Medicaid restrictions for refugees and asylees from five to seven years after entry;
- Classified Cuban/Haitians and Amerasians as refugees, as they were prior to 1996;
- Exempted certain native Americans living along the Canadian and Mexican borders from SSI and Medicaid restrictions.

Agricultural Research Act of 1998 Restored Food Stamp Eligibility

The Agricultural Research, Extension, and Education Reform Act of 1998 restored Food Stamp eligibility to approximately 225,000 legal immigrants at a cost of \$818 million over five years. Under the Act, the following groups became eligible for Food Stamps:

- Noncitizen children under age 18 who entered by August 22, 1996;
- Legal immigrants here by August 22, 1996, who were age 65 and over or disabled on that date, or who become disabled after that date;
- Refugees and asylees for seven years after entry as refugees or obtaining asylum status in the U.S., as opposed to five years under the welfare law;
- Among refugees; and
- Certain Native Americans living along the Canadian and Mexican borders.

*children who have
disabled
elderly
plus disabled
later*

Technical Amendments Act of 1998 Protected Those Receiving Assistance

The Noncitizen Technical Amendments Act of 1998 ensured that individuals who were receiving disability and health benefits when welfare reform became law were able to continue receiving assistance, even if they were too disabled to prove their date of entry into the U.S. This change protected an estimated 3,400 elderly and severely disabled recipients at a cost of \$41 million over five years.

President Clinton and Vice President Gore: Fighting for Fairness for Legal Immigrants

New Proposals in the Administration's FY 2000 Budget

President Clinton and Vice President Gore believe that legal immigrants should have the same opportunity, and bear the same responsibility, as other members of society. Upon signing the 1996 welfare law, the President vowed to reverse unnecessary cuts in benefits to legal immigrants that had nothing to do with the goal of moving people from welfare to work. Because of the Administration's leadership, the Balanced Budget Act and the Agricultural Research Act restored eligibility for Medicaid, SSI, and Food Stamps to hundred of thousands of legal immigrants. The Administration's new FY 2000 budget would build on this progress by restoring important disability, health, and nutrition benefits to additional categories of legal immigrants, at a cost of \$1.3 billion over five years. Vice President Gore will announce this budget proposal at a community center in San Francisco on Monday.

Disability and Health

The Balanced Budget Act of 1997 restored disability and health benefits to 420,000 legal immigrants who were in this country before welfare reform became law (August 22, 1996), at an estimated cost of \$11.5 billion. The Administration's new budget would restore eligibility for SSI and Medicaid to legal immigrants who enter the country after that date if they have been in the U.S. for five years and become disabled after entering the United States. This proposal would cost approximately \$930 million and assist an estimated 54,000 legal immigrants by 2004, about half of whom would be elderly.

Nutritional Assistance

The Agricultural Research Act of 1998 provided Food Stamps for 225,000 legal immigrant children, senior citizens, and people with disabilities who came to the United States by August 22, 1996. The Administration's budget would extend this provision by allowing legal immigrants in the United States on August 22, 1996 who subsequently reach age 65 to be eligible for Food Stamps at cost of \$60 million.

Childrens' Health Care and Maternal Care for Pregnant Women

States currently can provide health coverage to immigrant children who entered the country before August 22, 1996. The President's FY 2000 budget would give states the option to provide health coverage to legal immigrant children who entered the country after August 22, 1996. Under this proposal, states could provide health coverage to those children through Medicaid or their CHIP allotment. The proposal would cost \$220 million and serve approximately 55,000 children by FY 2004. Furthermore, the budget proposes to give states the option to provide Medicaid coverage to legal immigrant women who entered the country after August 22, 1996 and subsequently became pregnant. Such coverage would help reduce the number of high-risk pregnancies, ensure healthier children, and lower the cost of emergency Medicaid deliveries. This proposal would cost \$105 million and serve approximately 23,000 women by FY 2004.

from 11,000
to 17 FY2004



CENTER ON BUDGET AND POLICY PRIORITIES

To: Maria Echaveste
Ron Klain
Jack Lew
John Podesta
Bruce Reed
Gene Sperling
Larry Stein
Melanne Verveer

From: Bob Greenstein

Date: November 24, 1998

Subject: Legal immigrants, the FY 2000 budget, Hispanic and Asian voters, and the 2000 elections

FYI from CR

In 1997 and 1998, the Administration won important victories in restoring benefits for legal immigrants that had been taken away by the welfare law. Nevertheless, substantial parts of the damage done to legal immigrants by the welfare law remain. Prior to November 3, I thought it unlikely the Administration could win more restorations in this area. Now, I think there is a strong chance you could win more here.

Since the election, newspapers have run a spate of articles discussing the pivotal role of the Hispanic vote on November 3. Republican strategists such as Ralph Reed are quoted as saying Republicans must do better with such voters, while news analyses note that anti-immigrant stands have hurt Republicans badly in California. Articles also report that 30 percent of the Hispanic electorate in California consisted of newly naturalized citizens voting for the first or second time. In fact, *USA Today* has reported that newly naturalized citizens tend to have higher turn-out than other voter groups. The articles also point out that Republicans who did well with Hispanic voters won by large margins.

This suggests that if the President's FY 2000 budget contains significant immigrant restoration proposals and the Administration pushes for them, Republicans may feel they have to give you something in this area. And if they do not and turn down your proposals, then Democrats and Vice President Gore should be able to use that to remind Hispanic and Asian voters in 2000 of the differences between the parties.

In short, this appears to be a "win-win" situation. Either further restoration will be achieved, or the rejection of Administration proposals in these areas can serve as a

wedge issue with some key voting constituencies. I urge you to include immigrant restorations in the budget, as you have done each of the past two years.

The major constituency organizations that work on these issues are preparing a memo for the Administration on their priorities in this area; a number of these priorities were included in your FY 1998 or FY 1999 budgets. Key areas where the Administration could propose important restorations include the following:

- Give states the option to provide coverage under Medicaid and the child health block grant to low-income legal immigrant children who have entered the United States after August 22, 1996, the date the welfare law was signed. States now are barred from extending such coverage. This proposal was in the Administration's FY 1999 budget.
- Give states the option to provide prenatal care to legal immigrant pregnant women who have arrived after August 22, 1996. States must provide Medicaid coverage for *delivery* costs when such women give birth but are prohibited from providing Medicaid coverage for prenatal care, which can result in healthier birth outcomes. This makes little sense.
- Provide SSI eligibility to legal immigrants who enter the country after August 22, 1996 and become disabled after arriving here. Should a poor legal immigrant hit by a bus or maimed in a workplace accident be denied SSI? The Administration fought for this in 1997 but didn't win it. Let's join this fight again.
- Provide SSI for legal immigrants here on August 22, 1996 who subsequently become elderly and poor. The 1997 restoration limits SSI to those elderly legal immigrants who were both 65 or older and *on the SSI rolls* on August 22, 1996. This is too restrictive. At a minimum, we should cover those who were in the U.S. and 65 or older on August 22, 1996 but not on the SSI rolls on that date. Current rules in this area penalize elderly legal immigrants who worked as long as they could and stayed off SSI as long as they could — and consequently weren't receiving benefits on August 22, 1996 — but who since have become poor. Fixing this would simply conform the treatment of elderly legal immigrants in SSI to the food stamp treatment for elderly legal immigrants the Administration won this June.
- Extend food stamps to poor legal immigrant parents here on August 22, 1996, or at least to working poor immigrant parents. Currently, children in these families can get food stamps, but their parents can't. The result is that the family as a whole, including the children, often does not have enough to eat. The primary people who would be covered under this proposal are individuals who came here legally, are working, and are trying to raise their children on below-poverty wages.

This is an area where good policy, basic decency, and politics converge. I hope you'll include such a package in the budget.

W₁ - food stamp restoration
and

BENEFITS FOR IMMIGRANTS: OVERVIEW W₂ - legal alien provisions

Question:

- Why does the budget increase welfare spending for immigrants? Doesn't this run counter to the welfare reform bill that the President signed less than two years ago?

Answer:

- When the President signed the welfare reform bill, he criticized the cuts to benefits for legal immigrants and said they had nothing to do with moving people from welfare to work. Last year, the President's budget addressed benefit restrictions in the SSI and Medicaid programs. The President and Congress ultimately restored SSI and Medicaid benefits for hundreds of thousands of legal immigrants. This year, the President's FY 1999 budget proposes to restore Food Stamps to vulnerable groups of immigrants and provide States the option to provide health assistance to immigrant children at a cost of \$2.7 billion over five years.
- The budget would expand access to Food Stamps for families with children, people with disabilities, the elderly, refugees and asylees. Any immigrant who has a legally binding affidavit of support from their sponsor would be ineligible for Food Stamps unless the sponsor became destitute. When support is unavailable from an immigrant's sponsor, the nation should provide a safety net for vulnerable groups of immigrants who are legal, permanent residents of our country.
- The budget also proposes to give States the option to provide Medicaid and CHIP to immigrant children, without regard to when they entered the country. This policy will give low-income, vulnerable children access to medical services.

Additional:

- The Administration's proposal costs \$2.7 billion over five years (\$2.43 billion in Food Stamps and \$0.23 billion in Medicaid). It would restore Food Stamps to 730,000 immigrants in FY 1999. The budget restores benefits to four groups: 1) Families with children without regard to date of entry. For immigrants with a legally binding affidavit of support from their sponsor, the sponsor's income would be deemed until citizenship; 2) Elderly (age 65 and older) and persons with disabilities who entered before welfare reform was enacted; 3) Refugees and asylees have their current law exemption extended from 5 to 7 years; and 4) Hmong refugees from Laos. The provisions for the

elderly, disabled, refugees and asylees parallel those for SSI and Medicaid in the BBA (see below).

- The Administration's health care proposal would give States the option to provide Medicaid and CHIP to immigrant children. The Budget provides \$0.23 billion in Medicaid for this purpose and would allow states to cover immigrant children under their current CHIP allotment.
- The BBA restored \$11.5 billion (CBO estimate) in SSI and Medicaid benefits to immigrants currently receiving SSI and those who entered the country before enactment of welfare reform and become disabled in the future. The BBA also extended the exemption for refugees and asylees from 5 to 7 years for purposes of SSI and Medicaid.

BENEFITS FOR IMMIGRANTS REFUGEE ELIGIBILITY EXTENSION

Question:

What accounts for the high welfare utilization rates among refugees?

Answer:

- ▶ By definition, refugees and asylees are individuals who come to our country to escape persecution in their country of origin. These individuals have generally experienced war or other violent trauma requiring medical and income assistance. They often need more time to put their lives together and become self-supporting than other legal immigrants do.
- ▶ About one-half of refugees speak little or no English at arrival; only about one-tenth speak English fluently.
- ▶ Therefore, we believe refugees and asylees need a longer eligibility period for assistance than other qualified aliens because of the unique circumstances that bring refugees and asylees to the U.S.
- ▶ Under the President's proposal, refugees and asylees would get an additional two years of eligibility, to provide additional time to enable them to naturalize or to achieve stable self-support. The President's budget proposal would extend refugees' eligibility for Food Stamps benefits from 5 to 7 years.
- ▶ The longer time period is particularly important because more recent refugee populations have included larger numbers of older and elderly individuals who require a longer time to adjust.

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- ▶ The longer time period is particularly important because more recent refugee populations have included larger numbers of older and elderly individuals who require a longer time to adjust.
- This is the same exclusion that was provided to refugees, asylees and those whose deportation has been withheld for the SSI and Medicaid programs in last year's Balanced Budget Act.
- ▶ Finally, refugees are not even eligible to apply for naturalization until they are near the end of their 5 years residence. Since the processing time for naturalization applications is now about 1 year, this extension from 5 to 7 years is necessary to physically permit refugees to comply with INS procedures without being denied crucial services during the interim.

BENEFITS FOR IMMIGRANTS HOLDING SPONSORS RESPONSIBLE

Question:

Why shouldn't immigrants be taken care of by the sponsors who agreed to take care of them?

Answer:

- We agree that sponsors need to be held responsible and accountable. The Administration supported the new law requiring all family-based and some employment-based immigrants to have legally binding affidavits of support, and we implemented the provision in the fall of 1997.
- The Administration's proposal requires that all immigrants who have a legally binding affidavit of support from their sponsor will have the income of their sponsor assigned to them for purposes of determining eligibility for Food Stamps.
- However, nearly all legal immigrants now in the U.S. either have sponsors who are not legally obliged to support them or have no sponsors at all. Sponsors of immigrants who arrived in the past signed affidavits of support that are not legally binding and therefore do not obligate them to provide support or to reimburse for public assistance. An INS estimates of all FY 1994 non-refugee immigrants found that nearly half--or 44 percent--did not have sponsors.
- Additional support is therefore needed for immigrants who have no legally-binding affidavit of support or no sponsor in the first place.

BENEFITS FOR IMMIGRANTS FEDERAL VERSUS STATE ACTION

Question:

- GAO reports that 20 States provided or plan to provide legal immigrants with state-funded food stamps assistance or other food assistance. GAO estimates that these State efforts will reach one quarter of the immigrants who were denied Food Stamps by the welfare reform restrictions. Given these State efforts, why should the Federal government change its policy?

Answer:

- The budget would expand access to Food Stamps for families with children,

people with disabilities, the elderly, refugees and asylees. All of these groups deserve access to food assistance regardless of where they reside in our country. The strong State response to this problem is evidence that the public does not support denying Food Stamps to vulnerable groups of legal immigrants. However, it does not substitute for a permanent national policy. In addition, States are serving only one-quarter of the individuals who lost benefits. There are many more individuals who are not receiving assistance from States.

- Many states have chosen to provide benefits to only certain limited groups (i.e., elderly or disabled). The duration of the state efforts is unclear. Some states described the measures as only interim actions until Congress addresses the issue. It is not clear that States would continue to provide these benefits if an economic recession created a shortfall in State budgets.

Additional:

- The FY 1997 Supplemental Appropriation Act included a provision to allow States to purchase Food Stamps from the Federal government to provide benefits to individuals who lost food assistance due to the 1996 welfare reform law.
- States generally use the Food Stamp Program's infrastructure to provide benefits to immigrants and reimburse the Federal government for the costs. States providing or planning to provide assistance through purchasing Food Stamps or through other programs include California, Florida, New York, Texas, New Jersey, Massachusetts, Maryland, Nebraska, Rhode Island, Washington, Colorado, Connecticut, Maine, Minnesota, Oregon, Pennsylvania, Rhode Island, South Dakota, Vermont, and West Virginia.

W2-legal alien provisions



U. S. Department of Justice
Office of the Attorney General

cc: Steve Wernath
Jack Smalligan, Debra Bo.
Cynthia

Washington, D.C. 20530

cc: Rob Weiner; Leanne
cc: Elena Jose

DATE: November 3, 1997

TO: Diana Fortuna

Telephone No. () _____ - _____ Fax No. () 456 - 7028

FROM: David W. Ogden
Counselor to the Attorney General

This is DOJ's summary
of the interim verification
guidance. It does not
address the substance
of the federal
public benefit
definition.
It has been sent to the Hill,
and will be in Federal
Register around Monday.
- Diana

Telephone No. (202) 514 - 8633 Fax No. (202) 514 - 1724

TRANSMISSION CONTAINS 4 SHEETS INCLUDING THIS COVERSHEET

SPECIAL NOTE(S) Per our conversation today, attached is the
draft summary of issues related to the welfare verification
guidance.

WARNING: Many fax machines produce copies on thermal paper. The image produced is highly unstable and will deteriorate significantly in a few years. It should be copied on a plain paper copier prior to filing as a record.

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The "Interim Guidance on Verification of Citizenship, Qualified Alien Status and Eligibility Under Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996" (the "Interim Guidance") was developed by the Department of Justice in consultation with other federal agencies. The primary purpose of the Interim Guidance is to explain to providers of federal public benefits how they might verify the eligibility of an applicant seeking public assistance. The Interim Guidance is just guidance, and imposes no new legal obligations. Moreover, because the Attorney General's statutory mandate to issue interim guidance extends only to federal public benefits, the Guidance applies only to such benefits and does not directly address the citizenship and immigration requirements that Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 ("PRWORA") imposes on the provision of state and local public benefits. (A separate provision of the PRWORA, as amended by the Balanced Budget Act, requires the Attorney General to promulgate regulations setting forth procedures by which state and local governments can verify eligibility for state and local public benefits. These regulations will be forthcoming.) The Interim Guidance does, however, advise providers of state and local benefits that, if they are required to verify an applicant's citizenship or immigration status, they may use the Guidance in consultation with state and local authorities.

We discuss below some questions that may arise with respect to the Interim Guidance. First, the exemption for nonprofit charitable organizations may give rise to questions. The PRWORA, as amended, states that a "nonprofit charitable organization" providing a federal, state or local public benefit covered by the PRWORA "is not required under . . . Title [IV] of the Act to determine, verify or otherwise require proof of an applicant's eligibility for such benefits." The Interim Guidance defines an organization as "nonprofit" if it is organized and operated for purposes other than making gains or profits for the organization, its members or its shareholders, and is precluded from distributing any gains or profits to its members or shareholders. An organization is "charitable" if it is organized and operated for charitable purposes, with the term "charitable" to be interpreted in its generally accepted legal sense as developed by judicial decisions. The Interim Guidance emphasizes that the exemption for nonprofit charitable organizations is limited to verification requirements imposed by Title IV of the PRWORA and does not exempt organizations from verification requirements imposed by particular programs or from complying with verification determinations that must be made by a governmental entity prior to the nonprofit's provision of benefits. (Catholic Charities has expressed the view that the nonprofit charitable organization exception means that state and local governments may not require that charitable organizations verify eligibility for state and local benefits based on immigration status. This issue is not addressed in the Guidance, since the Guidance focuses on federal public benefits and also because, to the extent appropriate, this contention can best be addressed in the final verification regulations.) Significantly, the Guidance states that a nonprofit charitable organization that chooses not to verify cannot be penalized for providing federal public benefits to an individual who is not a U.S. citizen, U.S. non-citizen national or qualified

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alien, except when it does so either in violation of independent program verification requirements or in the face of a verification determination made by a non-exempt entity.

A second issue that may generate questions is the definition of "federal means-tested public benefit" included in the Interim Guidance. The PRWORA prohibits qualified aliens who enter the United States on or after August 22, 1996 from receiving "federal means-tested public benefits" for a period of five years from the date of their entry into the United States, unless they fall within a specific exception; the statute, however, does not define the phrase "federal means-tested public benefit." The Department of Health and Human Services ("HHS") and the Social Security Administration have recently published a definition that would limit the phrase "federal means-tested public benefit" to mandatory spending programs, such as Medicaid, SSI and TANF, and would not extend the limitation on the availability of "federal means-tested public benefits" to discretionary spending programs, such as housing assistance. The Interim Guidance simply references the definition that has already been adopted by HHS and SSA, and it directs providers to consult with the appropriate federal agency overseeing the benefit program they administer to determine whether that program provides a federal means-tested public benefit. Agencies should be prepared to address questions regarding the application of this phrase to their programs.

With respect to the five-year ban on federal means-tested public benefits, an additional issue should be mentioned. The PRWORA states that "an alien who is a qualified alien . . . and who enters the United States on or after the date of the enactment of this Act" is ineligible for federal means-tested public benefits for five years from the date of the alien's entry into the United States. The Interim Guidance takes the position that if an applicant for such benefits entered the United States before August 22, 1996 (the date of enactment of the PRWORA) and obtained qualified alien status before that date, he or she is not subject to the five-year ban. If the alien entered the United States before August 22, 1996, but obtained qualified alien status after that date, the alien is only exempt from the five-year ban if he or she can demonstrate "continuous presence" in the United States from the latest date of entry prior to August 22, 1996 until the date he or she obtained qualified alien status. The Interim Guidance defines "continuous presence" as presence in the United States that is not interrupted by a single absence of more than 30 days, or a total of aggregated absences of more than 90 days. If such an alien cannot demonstrate continuous presence, he or she is subject to the five-year ban on federal means-tested public benefits.

The federal agencies are also in the process of defining the term "federal public benefit." The broad definition of "federal public benefit" in the PRWORA has raised a number of issues regarding its interpretation and whether it encompasses particular federal programs. The Interim Guidance does not attempt to resolve all of these issues, or to classify specific programs, but it does provide a methodology for addressing whether particular programs constitute "federal public benefits." That methodology requires the benefit provider to determine what type of benefit it provides, whether the benefit is of a type expressly enumerated in the statutory definition, whether the benefit is "similar" to an enumerated benefit, and who is the ultimate recipient of the benefit. Where the Guidance

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leaves the provider uncertain, the provider is directed to consult with the federal agency overseeing the program at issue.

Finally, questions may be raised regarding the comparatively flexible approach the Interim Guidance takes with respect to verification of citizenship, as opposed to verification of alien status. It is generally a far more complex matter to verify citizenship than to verify immigration status. Unlike aliens, many citizens do not have documents demonstrating their citizenship, and there is no one repository of information regarding who is a U.S. citizen. The Interim Guidance therefore suggests a variety of approaches to verification. The Guidance does not require each provider to verify citizenship and nationality pursuant to a set procedure, but rather defers to existing program procedures and guidance for verifying citizenship for purposes of program eligibility, and, in the absence of such procedures, the Guidance gives providers the option of adopting one of a number of methods for verifying status. The Guidance states that the appropriate method of verifying an applicant's citizenship will depend upon the requirements and needs of the particular program, including, but not limited to, the nature of the benefits to be provided, the need for benefits to be provided on an expedited basis, the length of time during which benefits will be provided, the cost of providing the benefits, the length of time it will take to verify based on a particular method, and the cost of a particular method of verification.

WR - legal alien

Welfare Reform Daily Report - October 20, 1997 (PAGE 4)

ArticlesF
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States Keep Immigrants' Benefits
BYLINE: LAURA MECKLER

Congress was hard on immigrants when it restructured the nation's welfare system last year, but the mood in state capitals has been strikingly different.

While the federal law cut nearly all benefits for legal immigrants, almost every state has decided, sometimes using its own money, to keep immigrant benefits intact.

"The federal government is shirking its responsibility," Texas' Republican governor, George W. Bush, said recently as he announced state aid for elderly and disabled immigrants who lost food stamps. "Texans are compassionate people who will help those who truly cannot help themselves."

Last year's massive welfare overhaul cut immigrants from federally funded food stamps and disability rolls, although disability benefits were partly restored later.

The law also gave states the power to decide whether to cut immigrants from cash assistance and Medicaid, programs financed with a combination of federal and state dollars.

In almost every case, the law made it easier for immigrants in the country when the bill was signed in August 1996 to get benefits than those arriving later.

A state gets its allotted amount of federal cash no matter what it does for immigrants. So if it denies immigrants welfare, it has more money to use elsewhere.

Faced with the new responsibility of deciding who qualifies for aid, all but a few states are continuing benefits for immigrants who were here when the law took effect. And almost every state also will provide cash help and Medicaid for immigrants arriving after that, once they have been in the country five years.

Many states are going further. It's illegal under the new law for a state to use federal money for future immigrants during their first five years here. More than a third of states are using state dollars to make sure immigrants are covered from the day they arrive.

That includes California and New York, where half the country's legal immigrants live. Florida and Texas, the third and fourth largest immigrant states, are helping replace cuts in food stamps, using state money to pay aid once paid solely from the federal treasury.

Such state actions are in striking comparison to the mood in Washington, where congressional Republicans argued that immigrants abused welfare, which anyway should be reserved for Americans.

"The American dream is not coming here and going on welfare," Rep. Clay Shaw, R-Fla., said in the midst of a debate over disability benefits this summer. "I guess they can go home if they don't like what they have here."

Advocates say states were much more hospitable.

"The states are closer to the reality of the fact that immigrants are there. They're part of the community," surmised Josh Bernstein of the National Immigration Law Center.

In California, for instance, Speaker Cruz Bustamante, the first Latino to head the Assembly, vowed to fight for immigrant aid.

Please contact Dana Colarulli if you would like to receive the WR Daily Report by e-mail or if you have questions about articles found in this publication. (dcolarulli@acf.dhhs.gov (e-mail) or 202-401-6951 (voice)).

"It's because of maybe who I am and where I come from. It's about my background and how I got here," Bustamante said during a budget fight this summer.

Nearly half the \$55 billion saved in the welfare reform law came from cuts to legal immigrants. The law made exceptions for refugees, and illegal immigrants never have been eligible for welfare.

But given the chance to reap similar savings, states generally declined, according to reports by advocacy groups and interviews by The Associated Press in almost every state capital.

Specifically:

Twelve states are compensating for some food stamp cuts with their own money, particularly for children, elderly and disabled immigrants.

Every state but Alabama is allowing immigrant residents as of August 1996 to remain eligible for cash payments. Alabama also is the only state to bar new immigrants from cash help once they've been in the country five years.

On Medicaid, new arrivals qualify after five years everywhere but Virginia, Wyoming and Louisiana. And immigrants already in the country remain eligible everywhere except Wyoming and Louisiana.

"It sort of seemed unfair to change the rules on a group of people who are already in the system," said Steve Mullins of West Virginia's welfare department.

Alabama defends its decision to cut legal immigrants from its cash program. And, noted state director Joel Sanders, with just 74 immigrant families on welfare, it was hardly a controversial move.

Advocates note it was easier for states to agree to immigrant benefits in a good economy when state tax collections are up and welfare rolls are down.

"It's unclear what will happen when the economy becomes tighter, when surpluses decrease," said Kelly Carmody of the liberal Center for Budget and Policy Priorities. "When the pot shrinks, immigrants may be at risk."

A look at how states are using state funds to compensate for federal funds cut off from legal immigrants:

Eighteen states are using 100 percent state money for cash assistance to legal immigrants during their first five years' residence: California, Colorado, Connecticut, Georgia, Hawaii, Kansas, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nebraska, New York, Oregon, Pennsylvania, Utah, Vermont, Washington.

Sixteen states are using state money for Medicaid services to legal immigrants during their first five years' residence: California, Connecticut, Kansas, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nebraska, New Mexico, Pennsylvania, Rhode Island, Vermont, Virginia, Washington, Wisconsin.

Twelve states are at least partly making up federal cuts in food stamps: California, Colorado, Florida, Maryland, Minnesota, Massachusetts, Nebraska, New Jersey, New York, Rhode Island, Texas, Washington.

Note that individual state policies differ. For instance, some states have residency requirements or provisions that take into account an immigrant sponsor's income.

This list, based on data from the National Immigration Law Center and research by The Associated Press, puts states into the categories that best describe their practices.

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THE ORLANDO SENTINEL — October 20, 1997 Monday, METRO

Please contact Dana Colarulli if you would like to receive the WR Daily Report by e-mail or if you have questions about articles found in this publication. (dcolarulli@acf.dhhs.gov (e-mail) or 202-401-6951 (voice)).

Wp - legal alien
provisions



Cynthia A. Rice

07/21/97 07:20:50 PM

Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Legal Immigrants

Two of our friends in the legal immigrant advocacy community (Josh Bernstein of the National Immigration Law Center and Michael Hill of Catholic Charities) called me tonight to:

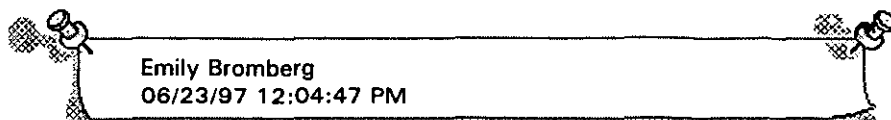
1) Express their dismay over the GOP conferees choosing the House provisions over the Senate provisions. They said some of their allies will likely denounce the move. Apparently an organization of Soviet Jews will be in town Wednesday and Thursday this week.

2) They put on our radar screen that if somehow we do not enact a reconciliation bill before the August recess, Congress will need enact a temporary extension of SSI and Medicaid benefits. They said notices will go out September 8th for cut-offs October 1st, so to avoid unnecessary panic among legal immigrants, a temporary extension would need to happen before the August recess or immediately thereafter.

Message Sent To:

Bruce N. Reed/OPD/EOP
Elena Kagan/OPD/EOP
Diana Fortuna/OPD/EOP
Emily Bromberg/WHO/EOP
Emil E. Parker/OPD/EOP
Keith J. Fontenot/OMB/EOP
Jack A. Smalligan/OMB/EOP
Janet Murguia/WHO/EOP

WR-legal alien priorities



Record Type: Record

To: Cynthia A. Rice/OPD/EOP, Janet Murguia/WHO/EOP, Kenneth S. Apfel/OMB/EOP, Diana Fortuna/OPD/EOP

cc: Elena Kagan/OPD/EOP

Subject:

as you might expect, gov chiles actively supports the senate position on immigration--because it both takes care of elderly retroactively and cuban/haitians prospectively. he's on vacation hunting this week, but he may weigh in again with the florida delegation.

Wp-legal alien provisions



Cynthia A. Rice

06/25/97 11:01:40 AM

Record Type: Record

To: See the distribution list at the bottom of this message

cc:

Subject: Senate Action on Legal Immigrants-Covering Both Groups

Sen. Domenici just accepted a Lautenberg amendment which would cover both those disabled after entry and the aged non-disabled. Domenici indicated this would be an issue to work out in conference with the House and the White House, but said accepting the amendment seemed the best course for now.

Lautenberg's amendment apparently did this by striking the "September 30, 1997" end date for the covering disabled after entry.

Message Sent To:

Bruce N. Reed/OPD/EOP
Elena Kagan/OPD/EOP
Diana Fortuna/OPD/EOP
Jack A. Smalligan/OMB/EOP
Emil E. Parker/OPD/EOP

WP - legal alien
provisions

THE WHITE HOUSE
WASHINGTON

Denver

June 20, 1997

Dear Mr. Chairman:

I want to thank you for your ongoing efforts to enact legislation to balance the budget. I greatly appreciate the spirit of bipartisanship that has characterized the efforts of Members of both Parties. It is only through our joint efforts that we can complete this great task which is critical to the well-being of our country.

The bipartisan budget agreement includes a number of key policy agreements. As the reconciliation bills have moved through the committees of jurisdiction, there have been cases in which the proposed legislation has departed from the bipartisan budget agreement. We are working together to insure that the reconciliation bills are consistent with the bipartisan budget agreement and have made significant progress in the last several days. I am told that good progress is being made on many issues, and I am confident that by the time the reconciliation bills reach my desk, we will enact historic legislation that lives up to the agreement.

One of the issues where it has proven difficult to reach consensus is the eligibility of legal immigrants for government assistance. As part of our bipartisan budget agreement, we agreed that we would "restore SSI and Medicaid eligibility for all disabled legal immigrants who are or become disabled and who entered the US prior to August 23, 1996." I want to stress that I regard this issue to be of paramount importance. To achieve our common goal of a signable bill that balances the budget, it is essential that the legislation that is presented to me include these provisions. I will be unable to sign legislation that does not.

At the same time, I recognize that the committees of jurisdiction faced difficult trade-offs in many areas. Perhaps none were as difficult as encountered here. If budgetary resources permit, my clear preference would be to assist both disabled and elderly legal immigrants. While I must insist on the provisions that are part of the budget agreement, I hope we can

The Honorable John R. Kasich
Page Two

reach a bipartisan consensus to address the issue of benefits for the elderly. I have instructed members of my administration to work with you to see if, perhaps in a conference setting, the budgetary resources can be found to address this issue.

In the meantime, I urge Members of both Parties to continue to work with me to enact legislation that is consistent with the bipartisan budget agreement. I ask Members on both sides of the aisle to help us move the process forward, to advance the legislation to the floor of the House, and keep us on track to a balanced budget by the year 2002.

Sincerely,



The Honorable John R. Kasich
Chairman
Committee on the Budget
House of Representatives
Washington, D.C. 20515

W2 - legal alien provisions

A SAFETY NET FOR VULNERABLE LEGAL IMMIGRANTS

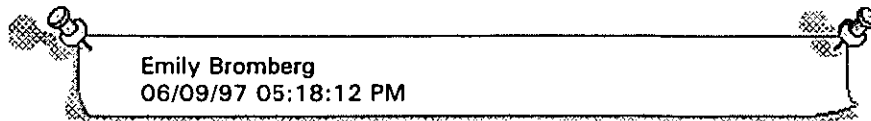
The House Ways and Means Committee has failed to restore a minimal safety net for disabled legal immigrants. The bipartisan budget agreement provides funds to restore SSI and Medicaid benefits to any legal immigrant in the U.S. prior to August 23, 1996 who is or becomes disabled -- but the House Ways and Means Committee proposes only to grandfather benefits for those immigrants already receiving benefits when the welfare law was signed.

- **THE WAYS AND MEANS COMMITTEE PROPOSAL IGNORES VULNERABLE IMMIGRANTS WHO BECOME DISABLED AFTER AUGUST 23, 1996:** This proposal abandons many legal immigrants who were in the U.S. when the welfare law was signed but become severely disabled after that date. In contrast, the bipartisan budget agreement protects these immigrants -- targeting assistance to those vulnerable individuals who need it most.
- **BY THE YEAR 2002, THE WAYS AND MEANS COMMITTEE PROPOSAL WOULD PROTECT 75,000 FEWER IMMIGRANTS THAN THE BUDGET AGREEMENT.** This number grows to 125,000 by the year 2007.
- **DISABLED LEGAL IMMIGRANTS MAY NOT BE ABLE TO RELY ON THEIR SPONSORS FOR HELP.** Since sponsorship agreements were not legally binding in the past, a disabled legal immigrant whose sponsor refuses to provide support has no legal recourse and no source of income. Or a sponsor may not be able to afford to support a severely disabled individual. A disabled legal immigrant who has been in the U.S. for many years may have lost touch with or be unable to locate his or her sponsor.
- **NATIONAL GROUPS REPRESENTING THE ELDERLY AND PEOPLE WITH DISABILITIES ARE UNITED IN THEIR OPPOSITION TO THIS PROPOSAL.** They recognize that the budget agreement would protect more disabled elderly and non-elderly people than the House Ways and Means proposal.
- **THE HOUSE WAYS AND MEANS PROPOSAL IS NOT CONSISTENT WITH THE BUDGET AGREEMENT.** Negotiators found a way to assist these individuals within the context of a balanced budget. Now the House Ways and Means Committee is trying to unravel that agreement and failing to restore a minimal safety net for disabled legal immigrants.
- **WHILE BETTER THAN THE HOUSE APPROACH, THE SENATE FINANCE COMMITTEE ALSO FALLS SHORT OF THE MARK.** The Senate Finance Committee would allow disabled legal immigrants to apply for benefits for a short period of time but would then shut the door to legal immigrants who become disabled. Immigrants who become disabled after this arbitrary grace

period would be ineligible, just as in the House Ways and Means proposal.

Example: A legal immigrant family entered the country 3 years ago. Both parents work full-time, earning \$25,000 a year at jobs that don't provide health insurance. Next year, their 5 year-old son becomes severely disabled in a car accident. Under the budget agreement, he would be eligible for SSI and Medicaid; but under the House Ways and Means and Senate Finance proposals he would be denied SSI -- and potentially Medicaid.

W2 - legal alien provisions



Record Type: Record

To: See the distribution list at the bottom of this message
cc: Bruce N. Reed/OPD/EOP, Michelle Crisci/WHO/EOP
Subject: immigration

As you know, Mayor Guiliani is holding a conference on immigration today and tomorrow in NYC. There are about a dozen electeds there (both Dems and Reps)--Mayors Rice, Helmke, Rendell, Riordan, Pinellas, and County folks-Molina, Yaroslovsky, Burke, Hightower and Randy Johnson. The rest of the conference is advocates and assorted others from NYC.

The goal of the conference is to have the electeds sign a statement of principles on immigration on Ellis Island tomorrow. The statement will include: a paragraph about the value of immigrants to the US; the need to speed naturalization; the need to restore all the cuts to immigration contained in the welfare law--with no distinction made in the document between the elderly and the disabled; and it will stress the importance of local statutes that forbid asking about immigration status when reporting a crime, seeking health care, or enrolling a child in school. As you know, Guiliani feels that both the immigration and welfare law pre-empts these local statutes--and this is a part of his lawsuit.

In his remarks today Guiliani said that it's unfair to have to choose between the elderly and the disabled and he called for the restoration of all the immigration cuts.

I hope to get my hand on this document tonight. Call if you have questions.

Message Sent To:

Mickey Ibarra/WHO/EOP
Cynthia A. Rice/OPD/EOP
Diana Fortuna/OPD/EOP
Elena Kagan/OPD/EOP
Lynn G. Cutler/WHO/EOP
Janet Murguia/WHO/EOP

*WR - legal alien
provisions*

June 5, 1997

The Honorable William Archer
1102 Longworth House Office Building
Washington, DC 20510

Dear Chairman Archer:

The Leadership Council of Aging Organizations (LCAO) and the Consortium for Citizens with Disabilities (CCD) are deeply concerned about the extent to which legal immigrants will be harmed under the welfare reform law enacted in August of last year. The law cut \$22 billion in services to immigrants legally here who played by the rules -- a full 44% of the cuts in the overall legislation. We believe that these benefits should be restored, and will continue to urge the Congress to act as swiftly as possible to reinstate them.

We believe that the budget agreement between Congress and the White House, which proposes to reinstate \$9.7 billion in Supplemental Security Income (SSI) to immigrants with disabilities, represents significant progress. By aiding immigrants with disabilities who were in the U.S. at the time of the law's enactment, including those who were in the country on that date and who become disabled in the future, this agreement will at least serve those with the most severe needs whose lives literally depend on SSI. This is an important step; at a minimum, final action by the Committee must preserve access to SSI for all of these individuals.

We also remain concerned about the fate of elderly immigrants who rely on SSI for their survival, and immigrants who will come in the future and will face extraordinary hardship due to a crisis in their own -- or their sponsors' -- lives. As the Committee continues the budget reconciliation process, we strongly urge that you identify additional resources to preserve SSI eligibility for all legal immigrants. We will not, however, support any reductions in benefits to immigrants with disabilities in order to provide them to other groups of immigrants.

Sincerely,



James Firman
Chair
LCAO



Paul Marchand
Chair
CCD

WR-legal alien
provisions

The Honorable Archer/Gingrich

United States House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

I have written separately to [Chairman Archer/you] on the Ways and Means Committee markup of provisions for reconciliation from the bipartisan budget agreement. At this time, I also want to apprise you of the Administration's views concerning a number of provisions restricting benefits for immigrants which we understand may also be offered during the course of consideration of the Reconciliation bill. Many of the potential provisions were considered during last year's immigration reform debate and were removed from the final legislation after negotiations between Congress and the Administration because they were unacceptable to the Administration. These provisions, described below, are clearly beyond the scope of the budget agreement. If the Committee were to proceed with the provisions described below, we would have no alternative but to invoke the provisions of the agreement that call on the Administration and the bipartisan leadership to undertake remedial efforts to ensure that reconciliation legislation is consistent with the agreement.

Public Charge/Deportation -- One of the provisions that may be introduced is an amendment to provide that an immigrant is deportable if the immigrant becomes a public charge within seven years of admission. In last year's immigration bill, an immigrant was considered a public charge if he or she receives benefits under various means tested programs for an aggregate period of 12 months within 7 years. In addition, the amendment would prohibit an immigrant from naturalizing if he or she was a public charge. The Welfare Reform legislation already prohibits SSI and Food Stamps for almost all immigrants currently in the country and further restricts benefits of immigrants who enter the country after Welfare Reform was enacted. This provision would penalize legal immigrants for using benefits for which they are eligible. As permanent members of our community, there is a public interest in legal immigrants using many health and educational programs.

Definition of Means Tested Benefits -- Another provision would broadly define means tested benefits for the purpose of implementing the benefit for immigrants restrictions in last year's Welfare Reform legislation. A similar provision was deleted from the Senate Welfare Reform legislation last year. As a consequence of the possible definition, legal immigrants would be denied access to a large number of vital public health services that assist vulnerable populations. Legal immigrants would be denied access to these programs for their first five years in the country and thereafter would have sponsor's income deemed for purposes of eligibility until citizenship. Such restrictions would be harmful to the health and well being of the legal immigrants and would be burdensome on the state and local agencies who administer the programs. This provision would generate no savings for the purpose of budget reconciliation.

all or only
- legal?

Access to HIV Treatment -- Another provision would restrict immigrants' access to HIV treatment. It is important that everyone, including illegal immigrants, have access to testing and treatment for communicable diseases. That is why the Welfare Reform restrictions on benefits to both legal and illegal immigrants contained an exemption for public health services, which would include access to Federal assistance for low income people in paying for AIDS treatment. The Administration supports maintaining this exemption. Concerns with excessive costs of treating illegal immigrants could be addressed by strengthening rules for deporting illegal immigrants, changes that are made in the immigration bill.

Sponsorship Rules -- Another provision that would prevent a person from sponsoring an immigrant if he or she had used means tested benefits in the last 3 years. The immigration reform legislation the President signed into law last year requires sponsors to have incomes above 125% of poverty. Individuals with incomes above 125% of poverty generally do not make use of most means tested programs. The proposed requirement would be duplicative and burdensome.

No Welfare Use Pledge -- Finally, a potential provision that would require immigrants to sign a pledge to not use means tested benefits. Even immigrants who are in excepted categories, such as refugees and asylees, would be required to sign the pledge. The pledge would discourage immigrants from using public health and other programs for which there is a public interest in broad participation.

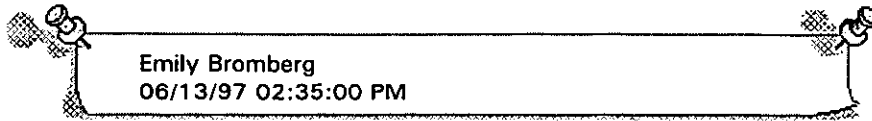
The issue of benefits for immigrants was addressed in the budget agreement because of a mutual recognition by the Administration and Congressional Leadership that the provisions in last year's Welfare Reform bill were too harsh. Including further restrictions is contrary to the letter and spirit of the agreement. I hope that you will address these concerns and I look forward to working with you to implement this historic agreement

Sincerely,

Franklin D. Raines
Director

Identical letter to the Honorable

What happens if sign... (no one to sign?)



Record Type: Record

To: Bruce N. Reed/OPD/EOP, Elena Kagan/OPD/EOP

cc:

Subject: cos scheduling

larry haas tells me that the vp is doing the immigrant event thursday with congressional members, advocates, and i think real people. he was not inclined to include mayors and i agreed for the reasons bruce and i talked about yesterday--mainly that they think we should fund everything--restor all the immigrant cuts. unless it's to our advantage to have the world hear a bipartisan group of mayors on this, we should not include them.

▶ **Diana Fortuna**
05/29/97 07:40:15 PM
.....

Record Type: Record

To: See the distribution list at the bottom of this message

cc:

Subject: Shaw plan on legal immigrants markup

We are hearing that Shaw plans to add a bunch of punitive immigration measures that we have fought in the past to the markup he is doing to restore benefits to legal immigrants. We are getting more details, but I think these are things like requiring sponsors to have higher incomes, deporting immigrants who use means-tested benefits, and other things that we successfully knocked out of the immigration bill at the 11th hour. Elena, since we are seeing Haskins tomorrow, I thought you should know. Jose/Leanne/Steve: are you working on this? OMB is trying to gather info, and points out it's all Byrd-able in the Senate.

Message Sent To:

Elena Kagan/OPD/EOP
Jose Cerda III/OPD/EOP
cynthiarice @ thinline.com @ inet
WARNATH_S @ A1 @ CD @ LNGTWY
Leanne A. Shimabukuro/OPD/EOP

Wp - legal alien provisions

Total Pages: 18

LRM ID: MDH80

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
Washington, D.C. 20503-0001

URGENT

Friday, May 30, 1997

LEGISLATIVE REFERRAL MEMORANDUM

TO: Legislative Liaison Officer - See Distribution below
Melinda Haskins
FROM: Janet R. Forsgren (for) Assistant Director for Legislative Reference
OMB CONTACT: Melinda D. Haskins
PHONE: (202)395-3923 FAX: (202)395-6148
SUBJECT: Social Security Administration/HHS Draft Bill on Benefits for Immigrants
Proposals in Support of the Balanced Budget Agreement

DEADLINE: 3 PM Monday, June 2, 1997

In accordance with OMB Circular A-19, OMB requests the views of your agency on the above subject before advising on its relationship to the program of the President. Please advise us if this item will affect direct spending or receipts for purposes of the "Pay-As-You-Go" provisions of Title XIII of the Omnibus Budget Reconciliation Act of 1990.

COMMENTS: Please provide comments on the attached SSA and HHS draft legislative language in support of the benefits for immigrants provisions included in the balanced budget agreement. This is a very firm deadline. "Must changes only."

DISTRIBUTION LIST

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- 52-HHS - Sondra S. Wallace - (202) 690-7760
- 61-JUSTICE - Andrew Fois - (202) 514-2141
- 110-Social Security Administration - Judy Chesser - (202) 358-6030

EOP:

- Elena Kagan
- Cynthia A. Rice
- Nancy A. Min
- Jennifer Ferguson
- Barry White
- Keith J. Fontenot
- Jack A. Smalligan
- Katie Hong

1

SEC. 1. EXCEPTION FOR CERTAIN DISABLED INDIVIDUALS FROM RESTRICTIONS ON SUPPLEMENTAL SECURITY INCOME AND MEDICAID ELIGIBILITY OF QUALIFIED ALIENS.

(a) SSI EXCEPTION.—Section 402(a)(2) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 is amended by redesignating subparagraph (D) as subparagraph (E), and by inserting after subparagraph (C) the following new subparagraph:

"(D) SSI EXCEPTION FOR CERTAIN DISABLED ALIENS.—With respect to the program specified in paragraph (3)(A), paragraph (1) shall not apply to a qualified alien—

"(i) who is blind or disabled within the meaning of section 1614(a)(2) or 1614(a)(3), respectively, of the Social Security Act; and

"(ii) who, prior to August 23, 1996, was lawfully admitted for permanent residence or otherwise granted an immigration status included in the definition of 'qualified alien' under section 431.

(b) MEDICAID EXCEPTION.—Section 402(b)(2) of that Act is amended by redesignating subparagraph (D) as subparagraph (E), and by inserting after subparagraph (C) the following new subparagraph:

"(D) MEDICAID EXCEPTION FOR CERTAIN DISABLED ALIENS.—With respect to the program specified in paragraph (3)(C), paragraph (1) shall not apply to a

2

qualified alien who is an individual described in
subsection (a)(2)(D)."

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as though they had been included in the enactment of section 402 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

3

**SEC. 2. 2-YEAR EXTENSION OF 5-YEAR EXCEPTIONS FOR REFUGEES
AND CERTAIN OTHER QUALIFIED ALIENS FROM BANS ON
ELIGIBILITY FOR SSI AND MEDICAID.**

(a) SSI.—Section 402(a) (2) (A) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 is amended in the matter preceding clause (i) by inserting ", in the case of the Federal program specified in paragraph (3) (B), and 7 years, in the case of the Federal program specified in paragraph (3) (A)," after "5 years".

(b) MEDICAID.—Section 402(b) (2) (A) of that Act is amended in each of clauses (i), (ii), and (iii) by inserting "(or 7 years, in the case of the program specified in paragraph (3) (C))" after "5 years".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as though they had been included in the enactment of section 402 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

4

SEC. ____ . TREATMENT OF CERTAIN AMERASTAN IMMIGRANTS AS REFUGEES.—

(a) AMENDMENTS TO EXCEPTIONS FOR REFUGEES/ASYLEES.—

(1) FOR PURPOSES OF SSI AND FOOD STAMPS.—Section 402(a)(2)(A) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 is amended—

(A) by striking "; or" at the end of clause (ii);

(B) by striking the period at the end of clause (iii) and inserting "; or"; and

(C) by adding after clause (iii) the following new clause:

"(iv) an alien is admitted to the United States as an Amerasian immigrant pursuant to section 584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1988, as incorporated into section 101(e) of the joint resolution making further continuing appropriations for the fiscal year 1988, Public Law 100 202, and amended by the 9th proviso under Migration and Refugee Assistance in title II of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991, Public Law 101-513."

(2) FOR PURPOSES OF TANF, SSBG, AND MEDICAID.—Section 402(b)(2)(A) of that Act is amended—

(A) by striking "; or" at the end of clause (ii);

(B) by striking the period at the end of clause (iii) and inserting "; or"; and

5

(C) by adding after clause (iii) the following new clause:

"(iv) an alien described in subsection (a) (2) (A) (iv) until 5 years (or 7 years, in the case of the program specified in paragraph (3) (C)) after the date of such alien's entry into the United States."

(3) FOR PURPOSES OF EXCEPTION FROM 5-YEAR LIMITED ELIGIBILITY OF QUALIFIED ALIENS.--Section 403(b) (1) of that Act is amended by adding after subparagraph (C) the following new subparagraph:

"(D) An alien described in section 402(a) (2) (A) (iv)."

(4) FOR PURPOSES OF CERTAIN STATE PROGRAMS.--Section 412(b) (1) of that Act is amended by adding after subparagraph (C) the following new subparagraph:

"(D) An alien described in section 402(a) (2) (A) (iv)."

(b) EFFECTIVE DATE.--The amendments made by this subsection shall be effective with respect to periods beginning on or after October 1, 1997.

6

SEC. 4. 5-YEAR LIMITED ELIGIBILITY FOR MEANS-TESTED PUBLIC BENEFITS: SPECIAL RULE FOR CUBAN AND HAITIAN ENTRANTS.-

(a) CORRECTION OF REFERENCE. Section 403(d) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 is amended by striking "section 501(e)(2)" and inserting "section 501(e)".

(b) EFFECTIVE DATE.--The amendment made by this subsection shall be effective with respect to periods beginning on or after October 1, 1997.

17

SEC. XK01. EXCEPTION FOR CERTAIN DISABLED INDIVIDUALS FROM
RESTRICTIONS ON SUPPLEMENTAL SECURITY INCOME
PROGRAM PARTICIPATION BY QUALIFIED ALIENS.

(a) In General.--Section 402(a)(2) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 is amended by redesignating subparagraph (D) as subparagraph (E), and by inserting after subparagraph (C) the following new subparagraph:

"(D) SSI exception for certain disabled aliens.--

With respect to the program specified in paragraph (3)(A), paragraph (1) shall not apply to a qualified alien--

"(i) who is blind or disabled within the meaning of section 1614(a)(2) or 1614(a)(3), respectively, of the Social Security Act; and

"(ii) who, prior to August 23, 1996, was lawfully admitted for permanent residence or otherwise granted an immigration status included in the definition of 'qualified alien' under section 431."

(b) Effective Date.--The amendments made by subsection (a) shall take effect as though they had been included in the enactment of section 402 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

28

SEC. XX02. EXTENSION OF THE EXEMPTION FROM THE BAN ON
SUPPLEMENTAL SECURITY INCOME PROGRAM PARTICIPATION
BY REFUGEES AND CERTAIN OTHER ALIENS FROM 5 TO 7
YEARS.

(a) In General.--Section 402(a)(2)(A) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 is amended in the matter preceding clause (i) by inserting ", in the case of the Federal program specified in paragraph (3)(B), and 7 years, in the case of the Federal program specified in paragraph (3)(A), " after "5 years".

(b) Effective Date.--The amendment made by subsection (a) shall take effect as though it had been included in the enactment of section 402 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

/ 9

SEC. XX03. EXEMPTIONS FROM RESTRICTIONS ON SUPPLEMENTAL SECURITY INCOME PROGRAM PARTICIPATION BY PERMANENT RESIDENT ALIENS WHO ARE MEMBERS OF AN INDIAN TRIBE.

(a) In General.--

(1) Special restriction applicable to SSI.--Section 402(a) (2) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 is amended by redesignating subparagraph (E) (as previously redesignated by section XX01(a) of this Act) as subparagraph (F), and by inserting after subparagraph (D) the following new subparagraph:

"(E) SSI exception for permanent resident aliens who are members of an Indian tribe.--With respect to the program specified in paragraph (3) (A), paragraph (1) shall not apply to any alien who is lawfully admitted to the United States for permanent residence under the Immigration and Nationality Act and who is a member of an Indian tribe (as defined in section 4 (e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)))."

(2) Five-year restriction applicable to new entrants.--Section 403(b) of such Act is amended by adding at the end the following new paragraph:

"(3) SSI exception for permanent resident aliens who are members of an Indian tribe.--An alien described in section 402(a) (2) (E), but only with respect to the program specified in section 402(a) (3) (A)."

X 10

(b) Effective Date.--The amendments made by paragraphs (1) and (2) of subsection (a) shall take effect as though they had been included in the enactment of sections 402 and 403, respectively, of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

5 11

SEC. XX04. EXEMPTION FROM RESTRICTION ON SUPPLEMENTAL SECURITY INCOME PROGRAM PARTICIPATION BY CERTAIN ALIENS ENTITLED ON THE BASIS OF VERY OLD APPLICATIONS.

(a) In general.--Section 402(a)(2) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 is amended by redesignating subparagraph (F) (as previously redesignated by section XX03(a)(1) of this Act) as subparagraph (G), and by inserting after subparagraph (E) the following new subparagraph:

"(F) SSI exception for certain aliens entitled on the basis of very old applications.--With respect to the program specified in paragraph (3)(A), paragraph (1) shall not apply to any individual (i) who is eligible for benefits under such program for months after July 1996 on the basis of an application filed before January 1, 1979, and (ii) with respect to whom the Commissioner lacks clear and convincing evidence that such individual is an alien ineligible for such benefits as a result of the application of this section."

(b) Effective Date.--The amendment made by subsection (a) shall take effect as though it had been included in the enactment of section 402 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

/ 12

SEC. XX05. EXTENSION OF DEADLINES FOR SSI REDETERMINATION PROVISIONS.

(a) In General.--Section 402(a)(2)(G)(i) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (as redesignated by section XX04(a) of this Act) is amended--

(1) in subclause (I), by striking "the date which is 1 year after such date of enactment" and inserting "March 31, 1998 or, if later, the date which is 255 days after the date of the enactment of [INSERT SHORT TITLE OF THE ACT CONTAINING THIS AMENDMENT]"; and

(2) in subclause (III)--

(A) by striking "the date of the redetermination with respect to such individual" and inserting "March 31, 1998 or, if later, the date which is 255 days after the date of the enactment of [INSERT SHORT TITLE OF THE ACT CONTAINING THIS AMENDMENT]"; and

(B) by adding at the end the following new sentence: "With respect to an individual described in subparagraph (D), the provisions of section 1614(a)(4) and clauses (i) and (ii) of section 1631(a)(7)(A) of the Social Security Act shall not apply.".

(b) Effective Date.--The amendments made by subsection (a) shall take effect as though they had been included in the enactment of section 402 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

713

SEC. XX06. REALLOCATION OF DISABILITY DETERMINATION WORKLOADS
RELATING TO ALIENS.

In any State making disability determinations in accordance with section 221 of the Social Security Act, the Commissioner of Social Security may, notwithstanding the provisions of such section specifying the circumstances under which the Commissioner may assume the disability determination function in such State, elect to make the determination of disability with respect to some or all of the individuals in such State who are described in section 402(a)(2)(D) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (as added by section XX01(a) of this Act) or to transfer responsibility for such function to another State that the Commissioner determines is willing and able to perform such function, if the Commissioner determines that such action is necessary to comply with the deadline specified in section 402(a)(2)(G)(i)(I) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (as redesignated by section XX04(a) of this Act).

8/14

SEC. XX07. PRESUMPTION OF DISABILITY FOR PURPOSES OF THE
SUPPLEMENTAL SECURITY INCOME PROGRAM IN THE CASE
OF CERTAIN QUALIFIED ALIENS RESIDING IN CERTAIN
FACILITIES OR RECEIVING HOSPICE CARE.

For the purpose of determining whether a qualified alien (as defined in section 431 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996) meets the requirement contained in clause (1) of section 402(a)(2)(D) of such Act (as added by section XX01(a) of this Act), a qualified alien--

(1) who--

(A) has attained the age of 65; and

(B) resides in an institution (or distinct part of an institution) that is primarily engaged in providing medical, custodial, or other care to residents who, because of their mental or physical condition, require such care; or

(2) who is terminally ill and receiving hospice care, shall be presumed to be blind or disabled within the meaning of section 1614(a)(2) or 1614(a)(3), respectively, of the Social Security Act. Such presumption may be rebutted only if the Commissioner of Social Security receives clear and convincing evidence to the contrary.

2/15

SEC. XX08. RELIANCE ON INFORMATION FROM OTHER AGENCIES.

(a) In General.--Notwithstanding any other provision of law, in determining whether a qualified alien (as defined in section 431 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996) meets the requirement respecting blindness or disability contained in clause (i) of section 402(a)(2)(D) of such Act (as added by section XX01(a) of this Act), the Commissioner of Social Security may rely on information from a State or Federal agency respecting the medical condition of such individual in any case where such information indicates to the Commissioner's satisfaction that such individual is blind or disabled within the meaning of section 1614(a)(2) or section 1614(a)(3), respectively, of the Social Security Act.

(b) Exemption from Computer Matching Requirements.--Section 552a(a)(8)(B) of title 5, United States Code, is amended--

- (1) by striking "or" at the end of clause (vi);
- (2) by inserting "or" at the end of clause (vii); and
- (3) by inserting after clause (vii) the following new

clause:

"(viii) matches performed pursuant to section XX08(a) of [INSERT SHORT TITLE OF THE ACT CONTAINING THIS AMENDMENT];".

LEGAL IMMIGRANTS

The Ways and Means Subcommittee's proposed amendments to the welfare law violate in two ways the negotiated, bipartisan budget agreement policy to restore a minimal safety net for disabled *legal* immigrants.

The Ways and Means Subcommittee proposal fails to restore benefits for SSI beneficiaries currently on the rolls whose sponsors have income over 150% of the poverty level.

- **THE WAYS AND MEANS SUBCOMMITTEE PROPOSAL WAS NOT PART OF THE BIPARTISAN BUDGET AGREEMENT.** This proposal to severely limit the restoration of benefits to legal immigrants was not contemplated by the bipartisan budget agreement.
- **THE WAYS AND MEANS SUBCOMMITTEE PROPOSAL WOULD CUT OFF 100,000 SEVERELY DISABLED LEGAL IMMIGRANTS WHO WOULD RECEIVE BENEFITS UNDER THE BIPARTISAN BUDGET AGREEMENT.** This is one-third of the individuals whose benefits we agreed to restore in the budget agreement.
- **THE WAYS AND MEANS SUBCOMMITTEE PROPOSAL IS UNFAIR TO FAMILIES OF LIMITED MEANS.** Under this proposal, a family of four with an income as low as \$24,000 would be called upon to fully support a person with a severe disability.
- **DISABLED LEGAL IMMIGRANTS MAY NOT BE ABLE TO CALL ON THEIR SPONSORS FOR HELP.** More than half of disabled legal immigrants currently receiving benefits have been in the U.S. for over 15 years, and so they may find it difficult even to locate their sponsors. Since sponsorship agreements were not legally binding in the past, a disabled legal immigrant whose sponsor refuses to provide support would have no legal recourse and no source of income.

The Ways and Means Subcommittee's proposal would restore SSI and Medicaid benefits only to immigrants (both the disabled and non-disabled elderly) *already receiving* benefits prior to August 23, 1996; by contrast, the bipartisan budget agreement policy restores SSI and Medicaid benefits to *any* immigrant *in the country* as of that date who is or becomes disabled. This policy targets assistance to the most vulnerable individuals.

- **THE WAYS AND MEANS SUBCOMMITTEE PROPOSAL IGNORES VULNERABLE IMMIGRANTS WHO BECOME DISABLED AFTER AUGUST 22, 1996:** This proposal abandons many legal immigrants who were in the U.S. when the welfare law was signed but become severely disabled after that date. In contrast, the bipartisan budget agreement protects these immigrants.

Example: A legal immigrant family entered the country 3 years ago. Both the father and mother have worked full-time since then, and have an annual income of about \$25,000, but neither job provides health insurance for themselves or the family. Their 5 year-old son becomes severely disabled in a car accident next year. Under the budget agreement, he would be eligible for SSI and Medicaid; under the Ways and Means Subcommittee's proposal he would be denied SSI -- and potentially denied Medicaid. *(This example assumes the parents would rapidly "spend-down" due to hospital bills and become income-eligible for SSI and Medicaid.)*

Question: Doesn't the Ways and Means Subcommittee proposal treat the elderly better than the Administration's proposal, while the Administration's policy favors the disabled? Isn't this really a wash?

Answer: The parties to the budget agreement already made the decision about where limited resources should be targeted. The agreement explicitly states the policy of restoring SSI and Medicaid eligibility to immigrants who are or become disabled and who are in the U.S. as of August 22, 1996. This is one of the specific policies agreed to between the President and the Congressional leadership.

The Administration believes that the budget agreement appropriately targets the most vulnerable individuals. It provides for all immigrants in the country when the welfare law was signed who have suffered -- or may suffer in the future -- a disabling accident or illness. At the same time, the agreement will result in restoring benefits to a full 80% of the caseload as of August 22, 1996 -- including all of the disabled as well as the two-thirds of the elderly caseload who would meet the disability eligibility requirements needed to retain coverage.

WR-alien provisions

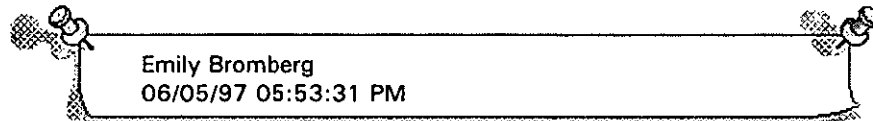
Michelle Crisci

06/05/97 06:00:48 PM

Record Type: Record

To: Elena Kagan/OPD/EOP, Laura Emmett/WHO/EOP
cc:
Subject: Mayor Giuliani Meetings in New York on Immigration

----- Forwarded by Michelle Crisci/WHO/EOP on 06/05/97 06:00 PM -----

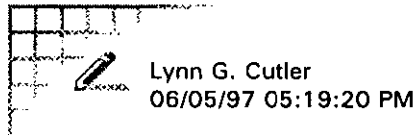


Record Type: Record

To: Rahm I. Emanuel/WHO/EOP
cc: Michelle Crisci/WHO/EOP
Subject: Mayor Giuliani Meetings in New York on Immigration

fyi, as you know, we do not exactly agree with the mayor of nyc on immigration issues

----- Forwarded by Emily Bromberg/WHO/EOP on 06/05/97 05:48 PM -----



Record Type: Record

To: See the distribution list at the bottom of this message
cc: Emily Bromberg/WHO/EOP
Subject: Mayor Giuliani Meetings in New York on Immigration

I just wanted to be sure that you were all aware of the meeting that Mayor Giuliani is hosting in New York on Monday and Tuesday of next week. He has a fairly large group of Democrat and Republican city and county officials coming to throw the spotlight on Immigration issues. He has been very outspoken on the need to fix the immigration problems present in the welfare reform legislation, and is using this meeting to make a strong bipartisan statement. His Tuesday event will be held at Ellis Island.

I have the agenda and attendance list for those who might want it--we were not invited, but have been advised by our friends. Since we seem to agree with the Mayor on these issues, this is really an FYI in case there are press inquiries.

▶ Diana Fortuna
06/05/97 05:27:33 PM
.....

Record Type: Record

To: Elena Kagan/OPD/EOP, Cynthia A. Rice/OPD/EOP

cc:

Subject: Another in my continuing series on why we prefer disabled after entry to grandfathering aged

Shaw argues that SSI has become a retirement program for foreigners. Therefore, another advantage of the "disabled after entry" policy is that it is not nice to people who immigrated knowing that they would likely become a public charge -- i.e., the old, and those who arrived disabled. It is nice to people who came expecting to work and contribute. So it reinforces points we want to make on immigration policy.

This advantage is in addition to other arguments -- our policy is more generous than Shaw's in the long run; and it's fairer to sponsors, since they couldn't have anticipated disabled after entry. Not sure if argument works that non-disabled aged don't need it as much as disabled, since it's hard to expect old people to work -- though we can safely say "most vulnerable", I think.

WR - legal alien provisions

LEGAL IMMIGRANTS AND THE BIPARTISAN BUDGET AGREEMENT

The Ways and Means Subcommittee's proposed amendment to the welfare law clearly violates the negotiated, bipartisan budget agreement policy to restore a minimal safety net for disabled *legal* immigrants. The Subcommittee's proposal would restore SSI and Medicaid benefits only to immigrants (both the disabled and non-disabled elderly) *already receiving* benefits prior to August 23, 1996; by contrast, the bipartisan budget agreement policy restores SSI and Medicaid benefits to *any* immigrant *in the country* as of that date who is or becomes disabled. The budget agreement targets assistance to the most vulnerable individuals.

- **THE WAYS AND MEANS SUBCOMMITTEE PROPOSAL IGNORES VULNERABLE IMMIGRANTS WHO BECOME DISABLED AFTER AUGUST 22, 1996:** This proposal abandons many legal immigrants who were in the U.S. when the welfare law was signed but become severely disabled after that date. In contrast, the bipartisan budget agreement protects these immigrants.
- **BY THE YEAR 2002, THE WAYS AND MEANS SUBCOMMITTEE PROPOSAL WOULD PROTECT 75,000 FEWER IMMIGRANTS THAN THE BUDGET AGREEMENT.** This number grows to 125,000 by the year 2007.

Example: A legal immigrant family entered the country 3 years ago. Both the father and mother have worked full-time since then, and have an annual income of about \$25,000, but neither job provides health insurance for themselves or the family. Their 5 year-old son becomes severely disabled in a car accident next year. Under the budget agreement, he would be eligible for SSI and Medicaid; under the Ways and Means Subcommittee's proposal he would be denied SSI -- and potentially denied Medicaid.

Question: Doesn't the Ways and Means Subcommittee proposal treat the elderly better than the Administration's proposal, while the Administration's policy favors the disabled? Isn't this really a wash?

Answer: The parties to the budget agreement already made the decision about where to target limited resources. The agreement explicitly states the policy of restoring SSI and Medicaid eligibility to immigrants who are or become disabled and who are in the U.S. as of August 22, 1996. This is one of the specific policies agreed to by the President and the Congressional leadership. Furthermore, the Leadership Council of Aging Organizations and the Consortium of Citizens with Disabilities state that they will not support "any reductions in benefits to immigrants with disabilities in order to provide them to other groups of immigrants."

The Administration believes that the budget agreement appropriately targets the most vulnerable individuals. It provides for all immigrants in the country when the welfare law was signed who have suffered -- or may suffer in the future -- a disabling accident or illness. At the same time, the agreement will result in restoring benefits to a full 80% of the caseload as of August 22, 1996 -- all of those now classified as disabled plus approximately two-thirds of the elderly caseload who can be reclassified as disabled.

WR - legal alien provisions

▶ **Diana Fortuna**
06/05/97 12:34:16 PM
.....

Record Type: Record

To: Elena Kagan/OPD/EOP, Cynthia A. Rice/OPD/EOP
cc:
Subject: Joint Immigration Letter from Senior & Disability Groups

----- Forwarded by Diana Fortuna/OPD/EOP on 06/05/97 12:33 PM -----



Record Type: Record

To: Jacob J. Lew/OMB/EOP, Diana Fortuna/OPD/EOP, Kenneth S. Apfel/OMB/EOP
cc: See the distribution list at the bottom of this message
Subject: Joint Immigration Letter from Senior & Disability Groups

We expect to have a letter today signed jointly by the key senior and disability umbrella organizations that will express their concern with Shaw's immigration proposal. The letter will be from the Leadership Council On Aging (representing the 43 national aging organizations) and the Consortium for Citizens with Disabilities (120 disability organization).

Jack, I hope to have the letter to you by noon for your meeting with Shaw.

Bill (6-7032)

Message Copied To: _____

- Maria Echaveste/WHO/EOP
- Janet Murguia/WHO/EOP
- Jill M. Blickstein/OMB/EOP
- Jill M. Pizzuto/OMB/EOP
- Robert B. Johnson/WHO/EOP
- Cheryl M. Carter/WHO/EOP
- Doris O. Matsui/WHO/EOP
- Barbara D. Woolley/WHO/EOP
- Laura K. Capps/WHO/EOP

Wp-legal alien purines



Cynthia A. Rice

06/05/97 11:16:40 AM

Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Immigrant and Aging groups and our Policy vs. Shaw's

In case you haven't seen it --

The National Immigration Forum blast faxed today a piece criticizing Shaw and praising the budget agreement, saying in part "Proposal Candy Coats the Poison Pill of New Restrictions by Pretending to Offer Coverage to More Elderly" and "The Shaw proposal is a ruse designed to obfuscate the fact that the most vulnerable will have no assistance in the future."

The fax also attaches a letter from the Leadership Council of Aging Organizations signed by 20 groups including the AARP which says the budget agreement represents "significant progress," urges the Committee to locate additional resources, and says "We will not, however, support any reductions in benefits to immigrants with disabilities in order to provide them to otehr groups of immigrants."]

Copies are available on my conference table in OEOB 212R.

Message Sent To:

- Bruce N. Reed/OPD/EOP
- Elena Kagan/OPD/EOP
- Diana Fortuna/OPD/EOP
- Emily Bromberg/WHO/EOP
- Emil E. Parker/OPD/EOP
- Jacob J. Lew/OMB/EOP
- Kenneth S. Apfel/OMB/EOP
- Barry White/OMB/EOP
- Keith J. Fontenot/OMB/EOP
- Jack A. Smalligan/OMB/EOP
- Janet Murguia/WHO/EOP
- Susan A. Brophy/WHO/EOP
- Maria Echaveste/WHO/EOP
- Barbara D. Woolley/WHO/EOP
- Barry J. Toiv/WHO/EOP

Wp - legal alien provisions

▶ **Diana Fortuna**
06/04/97 04:06:33 PM
.....

Record Type: Record

To: Bruce N. Reed/OPD/EOP, Elena Kagan/OPD/EOP
cc: Cynthia A. Rice/OPD/EOP
Subject: immigrants

FYI, one reason for OMB's logic on favoring the disabled (after entry) over the aged is that sponsors of those disabled after entry had no way of predicting that the person they sponsored would become disabled when they made the decision to sponsor, whereas people who sponsor the aged obviously know that the person is old and probably can't support themselves.)

Wp-legal alien provisions

▶ **Diana Fortuna**
06/04/97 04:34:26 PM
.....

Record Type: Record

To: Elena Kagan/OPD/EOP
cc: Cynthia A. Rice/OPD/EOP, Jack A. Smalligan/OMB/EOP
Subject: another thing Larry Haas and I caught in VP statement

I realized that the sheet you all have has one more problem, which I've corrected:

It read that Shaw was not "restoring" benefits to those in the US on 8/96 who "are -- or will in the future become -- disabled". This is wrong because he is nice to people who were already on the rolls. The people he is hurting are those in the US on that date "who become disabled." So it will read "fails to protect...benefits for legal immigrants who were in the US as of 8/96 and become disabled."

Otherwise, I've signed off.

WTR - Legal alien program

From: Kenneth S. Apfel on 05/13/97 09:42:23 PM

Record Type: Record

To: See the distribution list at the bottom of this message

cc:

Subject: texas amendment and immigrants amendment

The texas amendment was not made in order on the supp, so we dropped reference to that issue in the SAP. And the meek amendment that is similar to the Senate bill to extend ssi payments for immigrants through the end of the fiscal year was made in order; the immigrant block grant amendment was withdrawn. We win!]

Message Sent To:

Bruce N. Reed/OPD/EOP
Elena Kagan/OPD/EOP
Cynthia A. Rice/OPD/EOP
FORTUNA_D @ A1 @ CD @ LNGTWY
Keith J. Fontenot/OMB/EOP

Wtr-legal alien provisions



Cynthia A. Rice

05/14/97 04:52:06 PM

Record Type: Record

To: Diana Fortuna/OPD/EOP, Bruce N. Reed/OPD/EOP, Elena Kagan/OPD/EOP

cc:

Subject: Legal immigrants update


----- Forwarded by Cynthia A. Rice/OPD/EOP on 05/14/97 04:55 PM -----

From: Kenneth S. Apfel on 05/14/97 04:32:17 PM

Record Type: Record

To: Cynthia A. Rice/OPD/EOP

cc:

Subject: Re: wtw wins 

we have the disabled exemption for those on the rolls as well as new applicants, but the bans continue for new entrants (kids and disabled, SSI and medicaid) arriving after 9/30/97. I hear that the authorizers are unhappy going as far as the agreement, so we'll see how it plays out. If we do get this enacted, it's a bases loaded triple, at least (to continue the sports metaphor).

BENEFITS FOR IMMIGRANTS PROPOSALS IN THE BALANCED BUDGET AGREEMENT

- President Clinton strongly objected to the harsh reductions in benefits to immigrants when he signed the welfare reform bill. The budget agreement restores a substantial portion of the benefits cuts enacted in welfare reform.
- The benefit restorations described below would cost \$10 billion between 1998 and 2002.

The Budget Agreement Includes the Following Provisions:

- **Restore benefits for disabled immigrants.** The budget agreement includes the proposals in the President's budget that would restore benefits for 310,000 legal immigrants. All legal immigrant adults who are currently receiving SSI who have become disabled would have their eligibility restored. It would also provide access to SSI for all legal immigrants admitted before immigration policy required sponsors to sign legally binding affidavits of support. This policy will also ensure that these immigrants retain access to Medicaid. However, approximately 100,000 non-disabled elderly would still lose benefits.
- **Benefits for immigrant children would be restored.** SSI benefits for approximately 6,000 legal immigrant children who are currently receiving SSI would be restored. Access to SSI and Medicaid would also be restored for legal immigrant children who arrived before their sponsor was required to sign a legally binding affidavit of support.
- **Extension for Refugees and Asylees.** The welfare bill exempted refugees and asylees from the benefit restrictions for their first 5 years in the country. The agreement would lengthen the exemption for refugees and asylees from 5 to 7 years.

New Entrants are an Outstanding Issue:

Agreement does not exist on how new entrants (those who entered the country after the date of enactment of Welfare Reform, August 22, 1996) should be treated. The Administration supports a policy that exempts new entrants who become disabled after entering the U.S. from the benefit bans. The Administration's policy would deem the income of sponsors who have signed new legally binding affidavits of support.¹ In almost all cases, the deeming of sponsor's income results in immigrants losing eligibility for benefits.

Republicans propose to continue the bans for all new entrants. The Republican proposal would eliminate access to SSI and Medicaid for immigrants who entered after August 22, 1996, even

¹Regulations to be issued this month (May, 1997) will implement last year's welfare and immigration reform legislation that require the sponsors of immigrants to sign legally binding affidavits of support.

though immigrants who entered during the last 8 months are not protected by the new legally binding affidavits of support. In addition, the Republican proposal provides no protections for immigrants without sponsors or immigrants who have sponsors who have died or become impoverished. When these immigrants suffer an accident or illness and become disabled, the Republican proposal would provide no guarantee of support.

WR - legal alien
purvisis



Cynthia A. Rice

04/16/97 09:35:53 AM

Record Type: Record

To: Elena Kagan/OPD/EOP, Laura Emmett/WHO/EOP

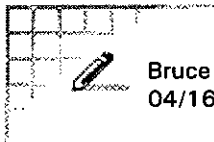
cc:

Subject: Immigration event



imm0409.9 I've alerted Christa. If Elena goes to any scheduling meetings, here's the memo she'll need to push for this.

----- Forwarded by Cynthia A. Rice/OPD/EOP on 04/16/97 09:38 AM -----



Bruce N. Reed
04/16/97 08:49:07 AM

Record Type: Record

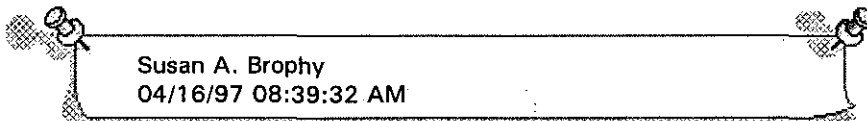
To: Elena Kagan/OPD/EOP, Cynthia A. Rice/OPD/EOP, Diana Fortuna/OPD/EOP

cc:

Subject: Immigration event

let's push for one.

----- Forwarded by Bruce N. Reed/OPD/EOP on 04/16/97 08:53 AM -----



Susan A. Brophy
04/16/97 08:39:32 AM

Record Type: Record

To: Bruce N. Reed/OPD/EOP

cc: Emily Bromberg/WHO/EOP

Subject: Immigration event

John said that a bipartisan immigration event would be helpful in the budget process because it would put pressure on the Rs.

SCHEDULE PROPOSAL

TODAY'S DATE: 4/7/97

ACCEPT

REGRET

PENDING

TO: Stephanie Street
Director of Scheduling

FROM: Marcia Hale
Assistant to the President for Intergovernmental Affairs

Bruce Reed
Assistant to the President for Domestic Policy

Craig Smith
Assistant to the President for Political Affairs

Emily Bromberg
Special Assistant to the President for Intergovernmental Affairs

REQUEST: For the President to meet with a bipartisan delegation of mayors to highlight the Administration's immigration budget package. On the day of the meeting, OMB will transmit our immigration bill to Congress.

PURPOSE: To demonstrate bipartisan support for the Administration's immigration budget bill; to respond to Mayor Giuliani, Mayor Rice, and Mayor Rendell's request to discuss the effect of welfare reform on legal immigrants.

PREVIOUS PARTICIPATION: The President has met with mayors in large and small forums on several occasions. Most recently, the President met with a group of 12 mayors on December 18, 1996 to discuss urban policy and addressed the Winter Meeting of the U.S. Conference of Mayors on January 17.

DATE: As soon as possible; this event is most newsworthy if it occurs **before** our entire budget bill is transmitted to Congress.

**SCHEDULING REQUEST
PAGE TWO**

LOCATION: The Roosevelt Room or the Cabinet Room

DURATION: 45 minutes

BRIEFING TIME: 15 minutes before meeting

PROPOSED

PARTICIPANTS: The President
Vice President
Mayor Dennis Archer, Detroit, MI (D)
Mayor Willie Brown, San Francisco, CA (D)
Mayor Martin Chavez, Albuquerque, NM (D)
Mayor Richard Daley, Chicago, IL (D)
Mayor Rudolph Giuliani, New York, NY (R)
Mayor Paul Helmke, Ft. Wayne, IN (R)
Mayor Ronald Kirk, Dallas, TX (NP)
Mayor Tom Menino, Boston, MA (D)
Metro Mayor Alex Penelas, Dade County, FL (includes Miami) (NP)
Mayor Ed Rendell, Philadelphia, PA (D)
Mayor Norm Rice, Seattle, WA (D)
Mayor Richard Riordan, Los Angeles, CA (R)

MEDIA

COVERAGE: Pool spray at the top

REMARKS: Provided by speechwriters

ORIGIN

OF PROPOSAL: DPC and IGA believe this meeting will help build a bipartisan consensus for our immigration budget bill.

VPOTUS

ATTENDANCE: Dependent upon his schedule

RECOMMENDED

BY: Marcia Hale, Bruce Reed, Craig Smith, Emily Bromberg

CONTACT: Emily Bromberg (6-2896)

WR - legal alien provisions



Cynthia A. Rice

04/23/97 05:04:39 PM

Record Type: Record

To: Janet Murguia/WHO/EOP
cc: See the distribution list at the bottom of this message
Subject: Revised Legal Immigrants Scheduling Proposal

Janet -- I've spoken to Bruce and Emily Bromberg about the revised draft scheduling proposal. We would like to revise the request to stress the bipartisan nature a bit more by saying:

REQUEST: For the President to meet with a bipartisan delegation of mayors and a bipartisan group of members of Congress, including leaders of the Hispanic Caucus, to highlight the Administration's immigration budget package. Several elderly legal immigrants who would be helped by the President's proposal would also be invited. On the day of the meeting, OMB would transmit our immigration bill to Congress.

Message Copied To:

Bruce N. Reed/OPD/EOP
Elena Kagan/OPD/EOP
Diana Fortuna/OPD/EOP
Christa Robinson/OPD/EOP
Emily Bromberg/WHO/EOP



LAWTON CHILES
GOVERNOR

STATE OF FLORIDA

Office of the Governor

THE CAPITOL
TALLAHASSEE, FLORIDA 32399-0001

FOR IMMEDIATE RELEASE:
April 23, 1997

CONTACT: April Herrle or
Karen Pankowski
(904) 488-5394

GOVERNOR CHILES SUES FEDERAL GOVERNMENT OVER WELFARE REFORM RESTRICTIONS ON LEGAL NON CITIZENS

TALLAHASSEE -- On behalf of the State of Florida, Governor Lawton Chiles today filed suit against the United States Government seeking relief from changes in federal welfare laws that restrict essential federal benefits for many legal non citizens in Florida. Under the 1996 welfare reform law, an estimated 100,000 legal immigrants in Florida -- many of whom are elderly or disabled -- will lose one or more federal benefits that help pay for food and other basic living expenses.

"The looming crisis that we are facing is not the result of true welfare reform. Rather, it stems from a veiled attempt by Congress to balance the federal budget on the backs of Florida taxpayers," Governor Chiles said. "These cuts are cruel and will go directly to the heart of our state's communities. Congress must act to correct this basic unfairness and until it does, this suit will keep the focus where it should be -- at the federal level."

FLORIDA'S CASE

Florida's suit against the U.S. Government, Health and Human Services Secretary Donna Shalala, Social Security Administration Acting Commissioner John Callahan and Agriculture Secretary Dan Glickman is being filed today in federal court in Miami.

Florida's suit alleges that the 1996 Welfare Reform Act:

- violates the due process clause of the 5th Amendment of the United States Constitution by denying equal protection to legal non citizens with disabilities by terminating Supplemental Security Income (SSI) and food stamp benefits;
- violates an agreement with the Social Security Administration to reimburse Dade County for interim assistance paid to legal non citizens;
- violates Article IV and the 10th Amendment of the United States Constitution by forcing Florida to assume the costs of caring for the individuals losing benefits; and

(more)

- violates basic constitutional principles by discriminating against legal non-citizens. The declared purpose, to encourage self-sufficiency and discourage illegal immigration, is irrational since many affected non citizens were already residing in the United States when welfare reform was enacted.

PLAINTIFFS TO LAWSUIT

Along with Governor Chiles, the other governmental plaintiffs in the case are: Attorney General Bob Butterworth; Florida Department of Children & Family Services Secretary Ed Feaver; Florida Agency for Health Care Administration Director Doug Cook and Dade County Mayor Alex Penelas. In addition to local and state agencies suing the federal government, two people representing the class of individual plaintiffs also joined Governor Chiles:

- Rafael Caramanzana -- A 32-year-old who was born with severe brain damage and cerebral palsy and immigrated to the U.S. in 1983 with his parents and is a lawful permanent resident. Caramanzana has quadriplegia and does not have any motor skills. His mother cares for him and his father works in a factory and has a pre-tax income of \$220 a week. The father's income and Caramanzana's SSI benefits provide the household's only income. The family has applied for citizenship for Caramanzana, but he has been rejected due to mental impairments.
- Eduardo Marsans -- A 21-year-old who has been a lawful permanent resident of the U.S. since 1993. Marsans suffers from cerebral palsy and quadriplegia and receives SSI and related food stamps. This assistance helps Marsans' family pay rent and buy food. Because he has not lived in the U.S. for five years, Marsans is not eligible for naturalization until May, 1998. His benefits will be terminated unless he submits proof of his continued eligibility for SSI by May 12, 1997.

LEGAL REMEDIES

In the suit, Florida is asking the Court to: declare that denying SSI and food stamp benefits to otherwise eligible lawful permanent resident aliens is unconstitutional and void; restore SSI and food stamp benefits to legal non citizens; declare that the Social Security Administration's rule is void because it is arbitrary and capricious, it was unlawfully promulgated and retroactively breached the agreement to reimburse entities for interim assistance.

(more)

Because of the 1996 changes in federal welfare law, Florida's state and local governments may have to fill the vacuum left by the elimination of federal assistance to some legal immigrants -- placing the burden on Florida's state and local taxpayers to pick up the yearly tab to serve needy legal immigrants who lose federal benefits. These changes could place a significant burden on the delivery of social services in Florida and are likely to impact services for elders, place a strain on public hospitals, increase health care costs and put more people on the streets.

FLORIDA'S EFFORTS TO DATE

Today's action follows a series of steps taken by Governor Chiles and Lt. Governor Buddy MacKay to protect Florida's taxpayers and ensure that critical federal benefits remain available to legal non citizens who have lived in Florida since welfare reform legislation was enacted.

- Extended Medicaid and Temporary Aid for Needy Families (TANF) coverage for all "qualified aliens" residing in Florida as of August 22, 1996.
- Extended food stamp eligibility until August, 1997 -- the maximum period allowed by the federal government.
- Naturalization assistance: developed self-help information packet to distribute to all elderly and disabled non citizens likely to loose federal benefits.

###